



House of Representatives

File No. 629

General Assembly

February Session, 2006

(Reprint of File No. 406)

Substitute House Bill No. 5808
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 24, 2006

AN ACT CONCERNING INSPECTIONS FOR INVASIVE PLANTS AND MUNICIPAL ORDINANCES REGARDING INVASIVE PLANTS.

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 22-84 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2006*):

3 The director of the Connecticut Agricultural Experiment Station
4 shall have charge of all matters pertaining to official control,
5 suppression or extermination of insects or diseases which are, or
6 threaten to become, serious pests of plants of economic importance. He
7 shall receive no additional compensation for such work, and may
8 designate members of the station staff to carry out certain lines thereof
9 and may employ such other assistance as may be required. Said
10 director may cooperate with the agents of the United States
11 Department of Agriculture in the control of plant pests; may make
12 regulations and orders regarding the destruction or treatment of
13 infested plants; may seize, treat, disinfect or destroy any plants or
14 plant material moved in violation of any quarantine or regulation
15 established under the provisions of this section or suspected of being

16 infested by any dangerous insect pest or plant disease; may prohibit or
17 regulate the transportation of plants and plant materials, brick, stone
18 and quarry products or any other objects or materials liable to carry
19 dangerous pests and may designate certain areas or districts wherein
20 all such plants may be destroyed. Said director is authorized to
21 promulgate, and to enforce by appropriate regulations, a quarantine
22 prohibiting or restricting the transportation of any class of nursery
23 stock, plant, fruit, seed or other article capable of carrying any
24 dangerous plant disease or insect infestation, with reference to which
25 the Secretary of Agriculture of the United States has not determined
26 that a quarantine is necessary and established such quarantine, into or
27 through this state or any portion thereof from any other state, the
28 District of Columbia or any part of such state or said district in which
29 said director finds such plant disease or insect infestation to exist. Said
30 director is authorized to make regulations for the seizure, inspection,
31 disinfection, destruction or other disposition of any nursery stock,
32 plant, fruit, seed or other article capable of carrying any dangerous
33 plant disease or insect infestation, a quarantine with respect to which
34 has been established by the Secretary of Agriculture of the United
35 States, and which have been transported to, into or through this state
36 in violation of such quarantine. Said director may inspect nurseries
37 and nursery stock, as defined in section 22-97, for any violation of the
38 provisions of section 22a-381d, as amended by this act. Said director
39 may establish and maintain a quarantine against any premises, district,
40 town or group of towns in this state, provided, before any quarantine
41 is established within the state, a public hearing shall be held, of which
42 five days' notice shall be given to the parties affected, either by mail or
43 by publishing such notice in two newspapers having a circulation in
44 the part of the state affected by such quarantine. Said director or any
45 person authorized by him to enforce the provisions of this section may,
46 at any reasonable time, enter any public or private premises in the
47 performance of his duty. Any person aggrieved by any order of
48 quarantine issued under the provisions of this section may appeal to
49 the Superior Court, or to any judge thereof if said court is not in
50 session, and said court or such judge may grant such relief or issue

51 such order or judgment in the premises as to equity may appertain.
52 Any person interfering with any person in the performance of his duty
53 under the provisions of this section or violating any quarantine or any
54 regulation established under said provisions shall be fined not less
55 than five dollars nor more than one hundred dollars.

56 Sec. 2. Subsection (e) of section 22-344 of the general statutes is
57 repealed and the following is substituted in lieu thereof (*Effective July*
58 *1, 2006*):

59 (e) The commissioner may, at any time, inspect or cause to be
60 inspected by [his] the commissioner's agents any such commercial
61 kennel, pet shop, grooming facility or training facility, and if, in [his]
62 the commissioner's judgment such kennel, pet shop, grooming facility
63 or training facility is not being maintained in a sanitary and humane
64 manner or in a manner that protects the public safety, or if [he] the
65 commissioner finds that contagious, infectious or communicable
66 disease or other unsatisfactory conditions exist, [he] or, in the case of a
67 pet shop, if the commissioner finds any violation of the provisions of
68 section 22a-381d, as amended by this act, [he] the commissioner may
69 issue such orders as the commissioner deems necessary for the
70 correction of such conditions and may quarantine the premises and
71 animals. If the owner or keeper of such kennel, pet shop, grooming
72 facility or training facility fails to comply with the regulations or
73 orders of the commissioner, or fails to comply with any provision of
74 the statutes or regulations relating to dogs or other animals, the
75 commissioner may revoke or suspend such license. Any person
76 aggrieved by any order issued under the provisions of this section may
77 appeal therefrom in accordance with the provisions of section 4-183.
78 Any person maintaining any commercial kennel, pet shop, grooming
79 facility or training facility without having obtained a license for the
80 same or after any such license has been revoked or suspended as
81 provided herein shall be fined not more than two hundred dollars. The
82 provisions of this section shall not apply to veterinary hospitals, except
83 those boarding or grooming dogs for nonmedical purposes, and other
84 establishments where all the dogs or animals were born and raised on

85 the premises where they are kept for sale.

86 Sec. 3. Section 22a-381d of the general statutes is repealed and the
87 following is substituted in lieu thereof (*Effective July 1, 2006*):

88 (a) Notwithstanding the provisions of any ordinance adopted by a
89 municipality, no person shall [import,] move, except for eradication,
90 research or educational purposes, import, sell, purchase, transplant,
91 cultivate, except for research purposes, or distribute any of the
92 following invasive plants: (1) Curly leaved Pondweed (*Potamogeton*
93 *crispus*); (2) fanwort (*Cabomba caroliniana*); (3) eurasian water milfoil
94 (*Myriophyllum spicatum*); (4) variable water milfoil (*Myriophyllum*
95 *heterophyllum*); (5) water chestnut (*Trapa natans*); (6) egeria (*Egeria*
96 *densa*); (7) hydrilla (*Hydrilla verticillata*); (8) common barberry
97 (*Berberis vulgaris*); (9) autumn olive (*Elaeagnus umbellata*); (10) Bell's
98 honeysuckle (*Lonicera xbella*); (11) amur honeysuckle (*Lonicera*
99 *maackii*); (12) Morrow's honeysuckle (*Lonicera morrowii*); (13)
100 common buckthorn (*Rhamnus cathartica*); (14) multiflora rose (*Rosa*
101 *multiflora*); (15) Oriental bittersweet (*Celastrus orbiculatus*); (16) garlic
102 mustard (*Alliaria petiolata*); (17) narrowleaf bittercress (*Cardamine*
103 *impatiens*); (18) spotted knapweed (*Centaurea biebersteinii*); (19) black
104 swallow-wort (*Cynanchum louiseae*); (20) pale swallow-wort
105 (*Cynanchum rossicum*); (21) leafy spurge (*Euphorbia esula*); (22)
106 Dame's rocket (*Hesperis matronalis*); (23) perennial pepperweed
107 (*Lepidium latifolium*); (24) Japanese knotweed (*Polygonum*
108 *cuspidatum*); (25) mile-a-minute vine (*Polygonum perfoliatum*); (26)
109 fig buttercup (*Ranunculus ficaria*); (27) coltsfoot (*Tussilago farfara*);
110 (28) Japanese stilt grass (*Microstegium vimineum*); (29) common reed
111 (*Phragmites australis*); (30) sycamore maple (*Acer pseudoplatanus*);
112 (31) princess tree (*Paulownia tomentosa*); (32) white poplar (*Populus*
113 *alba*); (33) false indigo (*Amorpha fruticosa*); (34) Russian olive
114 (*Eleagnus angustifolia*); (35) wineberry (*Rubus phoenicolasius*); (36)
115 kudzu (*Pueraria montana*); (37) Canada thistle (*Cirsium arvense*); (38)
116 jimsonweed (*Datura stramonium*); (39) crested late-summer mint
117 (*Elsholtzia ciliata*); (40) Cypress spurge (*Euphorbia cyparissias*); (41)
118 slender snake cotton (*Froelichia gracilis*); (42) ground ivy (*Glechoma*

119 hederacea); (43) giant hogweed (*Heracleum mantegazzianum*); (44)
120 Japanese hops (*Humulus japonicus*); (45) ornamental jewelweed
121 (*Impatiens glandulifera*); (46) common kochia (*Kochia scoparia*); (47)
122 ragged robin (*Lychnis flos-cuculi*); (48) Scotch thistle (*Onopordum*
123 *acanthium*); (49) bristle knotweed (*Polygonum caespitosum*); (50) giant
124 knotweed (*Polygonum sachalinense*); (51) sheep sorrel (*Rumex*
125 *acetosella*); (52) ragwort (*Senecio jacobaea*); (53) cup plant (*Silphium*
126 *perfoliatum*); (54) bittersweet nightshade (*Solanum dulcamara*); (55)
127 garden heliotrope (*Valeriana officinalis*); (56) hairy jointgrass
128 (*Arthraxon hispidus*); (57) drooping brome-grass (*Bromus tectorum*);
129 (58) Japanese sedge (*Carex kobomugi*); (59) reed managrass (*Glyceria*
130 *maxima*); (60) Canada bluegrass (*Poa compressa*); and (61) tree of
131 heaven (*Ailanthus altissima*).

132 (b) Notwithstanding the provisions of any ordinance adopted by a
133 municipality, no person shall move, except for eradication, research or
134 educational purposes, or import, sell, purchase, transplant, cultivate,
135 except for research purposes, or distribute any reproductive portion,
136 including, but not limited to, seeds, flowers, roots and tubers of any
137 invasive species listed in subsection (a) or (c) of this section.

138 [(b)] (c) Notwithstanding the provisions of any ordinance adopted
139 by a municipality, on or after October 1, 2005, no person shall [import,]
140 move, except for eradication, research or educational purposes, import,
141 sell, purchase, transplant, cultivate, except for research purposes or
142 distribute any of the following invasive plants: (1) Purple loosestrife
143 (*Lythrum salicaria*); (2) forget-me-not (*Myosotis scorpioides*); (3)
144 Japanese honeysuckle (*Lonicera japonica*); (4) goutweed (*Aegopodium*
145 *podagraia*); (5) flowering rush (*Butomus umbellatus*); (6) pond water-
146 starwort (*Callitriche stagnalis*); (7) European waterclover (*Marsilea*
147 *quadrifolia*); (8) parrotfeather (*Myriophyllum aquaticum*); (9) brittle
148 water-nymph (*Najas minor*); (10) American water lotus (*Nelumbo*
149 *lutea*); (11) yellow floating heart (*Nymphoides peltata*); (12) onerow
150 yellowcress (*Rorippa microphylla*); (13) watercress (*Rorippa*
151 *nasturtium-aquaticum*), except for watercress sold for human
152 consumption without its reproductive structure; (14) giant salvinia

153 (Salvinia molesta); (15) yellow iris (Iris pseudacorus); [(16) water
154 lettuce (Pistia stratiotes); (17)] (16) border privet (Ligustrum
155 obtusifolium); [(18)] (17) tatarian honeysuckle (Lonicera tatarica); [(19)]
156 (18) dwarf honeysuckle (Lonicera xylosteum); and [(20)] (19) garden
157 looserife (Lysimachia vulgaris).

158 [(c)] (d) From June 26, 2003, until [October 1, 2005,] October 1, 2011,
159 no municipality shall adopt any ordinance with an effective date prior
160 to October 1, 2011, regarding the retail sale or purchase of any invasive
161 plant.

162 [(d)] (e) Any person who violates the provisions of this section shall
163 be deemed to have committed an infraction and shall be fined not
164 more than one hundred dollars per plant.

165 Sec. 4. Subsection (b) of section 51-164n of the 2006 supplement to
166 the general statutes is repealed and the following is substituted in lieu
167 thereof (*Effective October 1, 2006*):

168 (b) Notwithstanding any provision of the general statutes, any
169 person who is alleged to have committed (1) a violation under the
170 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
171 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-
172 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, as amended, 12-292,
173 or 12-326g, as amended, subdivision (4) of section 12-408, subdivision
174 (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487,
175 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, as
176 amended, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or 13a-253,
177 subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-292, 13b-
178 336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, subsection (a),
179 (b) or (c) of section 13b-412, section 13b-414, subsection (d) of section
180 14-12, as amended, section 14-20a or 14-27a, subsection (e) of section
181 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, as
182 amended, 14-50a or 14-58, subsection (b) of section 14-66, as amended,
183 section 14-66a, 14-66b or 14-67a, subsection (g) of section 14-80,
184 subsection (f) of section 14-80h, as amended, section 14-97a, 14-100b,

185 14-103a, 14-105a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a
186 first violation as specified in subsection (f) of section 14-164i, section
187 14-219 as specified in subsection (e) of said section, subdivision (1) of
188 section 14-223a, as amended, section 14-240, 14-249, as amended, or 14-
189 250, as amended, subsection (a), (b) or (c) of section 14-261a, section 14-
190 262, 14-264, 14-267a, 14-269, 14-270, as amended, 14-275a, 14-278 or 14-
191 279, subsection (e) of section 14-283, as amended, section 14-291, 14-
192 293b, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a,
193 subdivision (1), (2) or (3) of section 14-386a, section 15-33, subsection
194 (a) of section 15-115, section 16-256, 16-256e, 16a-15, as amended, or
195 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145,
196 as amended, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-
197 137 or 17b-734, subsection (b) of section 17b-736, section 19a-30, 19a-33,
198 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-
199 105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-
200 297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-
201 425, 19a-502, 20-7a, as amended, 20-14, 20-158, 20-231, 20-257, 20-265 or
202 20-324e, subsection (a) of section 20-341, section 20-341l, 20-597, 20-608,
203 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, as amended, 21-
204 76a, 21a-21, 21a-25, 21a-26 or 21a-30, subsection (a) of section 21a-37,
205 section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-
206 79, as amended, section 21a-85, 21a-154, 21a-159, 21a-201, 21a-211, 22-
207 13, 22-14, 22-15, 22-16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, as
208 amended, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-61, 22-
209 89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-280a, 22-318a, 22-
210 320h, 22-324a, 22-326 or 22-342, subsection (b) or (e) of section 22-344,
211 section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-
212 246, subsection (a) of section 22a-250, as amended, subsection (e) of
213 section 22a-256h, [subsection (a) of] section 22a-381d, as amended by
214 this act, section 22a-449, as amended, 22a-461, 23-37, 23-38, 23-46 or 23-
215 61b, subsection (a) or (b) of section 23-65, section 25-37, 25-40, 26-19,
216 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89,
217 26-97, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138, 26-141, 26-207, 26-
218 215, 26-224a, 26-227, 26-230, 26-294, 28-13, 29-6a, 29-109, 29-161y, 29-
219 161z, 29-198, 29-210, 29-243, 29-277, 29-316, 29-318, 29-341, 29-381, 30-

220 48a, 30-86a, as amended, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15,
 221 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40,
 222 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a)
 223 or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b
 224 or 31-134, subsection (i) of section 31-273, as amended, section 31-288,
 225 36a-787, 42-230, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of
 226 section 46a-54, as amended, section 46a-59, 46b-22, 46b-24, 46b-34, 46b-
 227 38dd, 46b-38gg, 46b-38kk, 47-34a, 47-47, 49-8a, 49-16 or 53-133,
 228 subsection (a) or (b) of section 53-211, or section 53-212a, 53-249a, 53-
 229 252, 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-
 230 344 or 53-450, or (2) a violation under the provisions of chapter 268, or
 231 (3) a violation of any regulation adopted in accordance with the
 232 provisions of section 12-484, 12-487 or 13b-410, shall follow the
 233 procedures set forth in this section.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2006</i>	22-84
Sec. 2	<i>July 1, 2006</i>	22-344(e)
Sec. 3	<i>July 1, 2006</i>	22a-381d
Sec. 4	<i>October 1, 2006</i>	51-164n(b)

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Various State Agencies	GF - See Below	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

Changes made in the bill concerning the Connecticut Agricultural Experiment Station, the Department of Agriculture, and the Department of Environmental Protection concerning the invasive plant program is discretionary and therefore would be handled when resources permit.

Few additional violations are anticipated as a result of this bill; consequently any revenue gain would be minimal. It is already an infraction to violate the invasive plant laws.

House "A" eliminates a \$475,000 appropriation to the Department of Environmental Protection's Conservation Fund to be used for invasive plants programs. The funds were not included in sHB 5007 the Appropriations Act, as favorably reported by the Appropriations Committee.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation

OLR Bill Analysis**sHB 5808 (as amended by House "A")******AN ACT CONCERNING INSPECTIONS FOR INVASIVE PLANTS,
MUNICIPAL ORDINANCES REGARDING INVASIVE PLANTS AND
FUNDING FOR THE INVASIVE PLANTS COUNCIL.*****SUMMARY:**

This bill reinstates a ban on municipal ordinances on the retail sale and purchase of invasive plants, allows invasive plants to be moved for specific purposes, specifies that a violation of the invasive plants law is an infraction, and makes other changes to the invasive plants program.

*House Amendment "A" eliminates (1) a provision creating an invasive species protection conservation account and (2) a \$475,000 appropriation to it.

EFFECTIVE DATE: July 1, 2006, except the infraction provision takes effect October 1, 2006.

BAN ON MUNICIPAL ORDINANCES

A ban on the adoption of municipal ordinances on the retail sale or purchase of invasive plants expired October 1, 2005. The bill reinstates this ban, starting July 1, 2006, through September 30, 2011. It bars municipalities from adopting any ordinance that takes effect before October 1, 2011.

**MOVING INVASIVE PLANTS TO ERADICATE THEM OR FOR
OTHER PURPOSES**

Current law bars people from importing, moving, selling, buying,

transplanting, cultivating, or distributing any of 81 invasive plants. The bill removes water lettuce (*Pistia stratiotes*) from the list of invasive plants and allows people to move any of the remaining 80 invasive plants (1) to eradicate them or (2) for research or educational purposes. It allows people to cultivate an invasive plant for research purposes.

Seeds, Flowers, Roots and Tubers

The bill also bars anyone from moving (except for eradication, research, or educational purposes) importing, selling, transplanting, buying, cultivating (except for research purposes), or distributing any of the reproductive portions of a listed invasive species, including seeds, flowers, roots, and tubers, regardless of any municipal ordinance to the contrary.

MAKING A VIOLATION AN INFRACTION

By law, a person who violates an invasive plant law may be fined up to \$100 per plant. The bill specifies that such a violation is an infraction. An infraction is not a crime; thus violators do not have criminal records and can pay the fine by mail without making a court appearance. It already is an infraction to violate the invasive plant law with regard to plants listed as invasive before October 1, 2005. Beginning October 1, 2006, violators of the law with regard to (1) invasive plants listed on or after October 1, 2005 and (2) invasive plant seeds, flowers, roots, and tubers can also pay the fine by mail.

INSPECTION FOR VIOLATIONS OF INVASIVE PLANTS LAWS

The bill authorizes the Connecticut Agricultural Experiment Station director to inspect nurseries and nursery stock for violations of the invasive plants laws. By law, the director may prohibit or regulate the transportation of plants and plant material liable to carry dangerous pests and enforce other provisions of the law concerning plant and insect disease and infestation. The bill also authorizes the agriculture commissioner to inspect pet shops for violations of the invasive plant laws. By law, the commissioner may issue orders he finds necessary to correct unsatisfactory conditions.

BACKGROUND***Invasive Plants***

To be considered invasive, a plant must be non-indigenous to the state; have the potential to grow here without cultivation and to disperse rapidly and widely; out-compete other species in the same natural plant community; and meet other criteria.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 24 Nay 3 (03/20/2006)

Environment Committee

Joint Favorable Substitute

Yea 24 Nay 3 (03/20/2006)

Planning and Development Committee

Joint Favorable

Yea 12 Nay 1 (04/17/2006)

Appropriations Committee

Joint Favorable

Yea 46 Nay 2 (04/20/2006)